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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/840,444

04/24/2001

Xin Zhang

401185

1915

23548

7590

09/23/2005

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EXAMINER

JONES, HUGH M

ART UNIT

PAPER NUMBER

2128

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. Claims 1-5 of U. S. Application 09/840,444 filed 04/24/2001 are presented for examination.

Response to Amendment

2. The reply filed on 6/27/2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants, in response to a request for information and in response to a 112(1) rejection, submitted a paper along with a form 1449. Applicants allege that the paper has been incorporated by reference. The specification incorporates by reference a paper entitled, "Advanced Computing Technologies Technology for Integrated Design of Textiles and Apparel" which is authored by Li (sole author). However, the form 1449 indicates that the authorship is to "Li *et al.*" (multiple authors). The incorporation indicates that the paper is published in a proceedings for a conference entitled, "Ergonomics of Protective Clothing, Proceedings of Nokobetef 6 and 1st European Conference on Protective Clothing", held in Stockholm, Sweden on May 7-10, 2000. However, a review of the conference proceedings, *obtained by the office*, indicates that *there is no such paper in the proceedings*. Therefore, the submitted paper has not been considered. Furthermore, the arguments against the 112(1) rejections, which rely on the paper, cannot be considered.

3. It is also noted that there are at least three different papers by at least one of the inventors which are published in the proceedings, and which are highly relevant to the claimed invention, but have not been supplied to the office. As

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stated in earlier actions, please provide all publications by the inventors (including those listed in the list of references in the Li paper) and list them in a proper Information Disclosure Statement. **Applicants are reminded of their duty to disclose under 1.56 and 1.105.**

4. It is noted that this is the third notice that the amendment is non-responsive. Please clarify.

5. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

6. Any inquiry concerning this communication or earlier communications from the examiner should be:

directed to: Dr. Hugh Jones telephone number (571) 272-3781,

Monday-Thursday 0830 to 0700 ET,

or

the examiner's supervisor, Jean Homere, telephone number (571) 272-3780.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

Art Unit: 2128

(703) 308-9051 (for formal communications intended for entry)

or (703) 308-1396 (for informal or draft communications, please label
PROPOSED or *DRAFT*).

Dr. Hugh Jones

Primary Patent Examiner

July 23, 2005

HUGH JONES P.D.
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2100